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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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10 Michael Gould; and Lisa Funk,

11 Plaintiffs,

12 vs.

13 M&I Marshall & Ilsley Bank, a national  
14 banking association,

15 Defendant.

No. CV11-1299-PHX-DGC

**ORDER**

16  
17 Plaintiffs filed suit against Defendant in state court on May 31, 2011. The  
18 complaint purports to assert claims for breach of contract, breach of the implied covenant  
19 of good faith and fair dealing, fraud, and negligent misrepresentation. Doc. 1-1 at 4-10.  
20 Defendant removed the case to this Court on the basis of diversity jurisdiction. Doc. 1.

21 On July 7, 2011, Defendant filed a motion to dismiss the complaint pursuant to  
22 Rule 12(b)(6) of the Federal Rules of Civil Procedure. Doc. 5. Plaintiffs, as a matter of  
23 course, *see* Fed. R. Civ. P. 15(a)(1)(B), have filed an amended complaint. Doc. 10. The  
24 motion to dismiss the original complaint therefore will be **denied as moot**.

25 On August 8, 2011, Defendant filed a motion for extension of time to respond to  
26 Plaintiffs' first amended complaint (Doc. 11). The motion will be **granted**. Defendant  
27 shall answer or otherwise respond to the amended complaint by **August 25, 2011**. *See*  
28 Fed. R. Civ. P. 15(a)(3).

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- Dated this 9th day of August, 2011.

David G. Campbell  
United States District Judge